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SUBJECT: BIOMETRICS: EU ON PARALLEL TRACK WITH U.S. AND MOVING FORWARD

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Classified By: PRMOFF MARC J. MEZNAR. REASONS 1.4(B) AND (D).

[1](#)1. (U) Summary. In parallel with U.S. efforts to incorporate the use of biometric identifiers, the EU is finalizing plans to enhance its border controls through the use of biometrics.

On October 26, EU Justice and Interior Ministers agreed to incorporate two biometrics into national passports, thus surpassing the ICAO recommendation and U.S. plans for its own passports. If the three Member States which have expressed a reservation about this decision give it the green light, EU Member States will have until mid-July 2006 to begin issuing passports with digitized photographs and until the end of 2007 to add digital fingerprints to the chips. The EU may decide to restrict international access to some of the biometric data, particularly the passport fingerprints. By the end of 2007, the EU hopes that its 3500 consular posts and all its international ports of entry will be connected through the Visa Information System, and name checks against the EU lookout system will be automatic. Given the technological challenges, implementation of these plans may slide. Switzerland has been given the green light to align itself with the EU's visa and passport policies. The EU is also considering enhanced consular cooperation abroad as it moves to biometric visas. End Summary.

Overview

[1](#)2. (SBU) The EU and the U.S. have been working together in a variety of international fora (such as ICAO and the G8), as well as bilaterally, to combat terrorism and illegal immigration through the use of biometrics. Close cooperation between these key players is essential to ensure worldwide interoperability. The terrorist attacks of 9/11 in the U.S. and 3/11 in Spain were catalysts for countries on both sides of the Atlantic to expedite their plans for securing travel documents and strengthening border controls.

[1](#)3. (SBU) On parallel tracks, both the U.S. and EU are incorporating biometrics into their consular and border management systems to cut down on visa fraud, asylum fraud, visa over-stayers and the use of stolen documents by imposters. The European Commission (EC) has proposed using biometrics in the following critical areas: visas and residency cards, lookout systems and national passports. While the EU is strongly committed to establishing a closer link between the applicant and the travel document through the use of biometrics, Member States will not fully avail themselves of biometrics to check applicants against existing EU lookout databases. Critics have questioned the need for biometrics, citing privacy concerns and financial costs. Nevertheless, political agreement to go forward with biometrics has already been achieved; technical standards should be finalized in early 2005.

[1](#)4. (U) Because of "opt-outs", these requirements do not automatically extend to the UK, Ireland and Denmark. However, the three countries are expected to "opt in" or adopt similar provisions in parallel with the rest of the union. EU decisions on biometrics will automatically apply to Iceland and Norway because of their participation in the Schengen Agreement. Furthermore, on October 26 the Government of Switzerland signed an association agreement on to bring the country into the Schengen area. While ratification of the agreement remains pending (possibly by referendum), Switzerland "will be involved in all discussion taking place in the Council as far as the further development of the Schengen acquis is concerned."

Schengen Visas

[1](#)5. (U) As reported in reftel a, the EU decided to expedite the incorporation of biometrics into some of its travel documents following the terrorist attacks of 3/11 in Spain. The date for including digitized photographs into visas and residency permits was moved up to 2005 (from 2007).

16. (C) Discussions are still taking place in the EU's "visa working group" regarding the technical standards related to biometrics in visas. Most Member States have expressed an interest in a flat scan of all ten fingerprints of each visa applicant. According to Silvia Kolligs, the DG Justice and Home Affairs (JHA) policy officer who is drafting the biometrics proposals, the EC will only require that the two index finger scans be included in the biometric visa. The other eight, if taken, would be stored by the Member States and used for national purposes or to mitigate "false hits" at ports of entry.

17. (C) Last month, the Article 6 subcommittee re-examined the EC's proposal to incorporate these two biometrics on a "radio frequency identification chip" (RFIC) embedded in the visa foil. According the Head of Unit for Large Scale IT Systems at DG JHA Frank Paul, the EC is backing away from this method for four reasons. First, the more chips being sandwiched into a passport, the more likely it will be for "collision" to occur from the various chips emitting radio signals. Second, privacy advocates who favored a system where the citizen alone has physical custody of the biometric chip and its data (instead of depositing the data into a central database) are increasingly concerned about privacy breaches caused by chips emitting data. Third, the U.S. experience has shown that the "response time" of querying a centralized system is minimal and will not seriously affect the workflow (either at consulates or ports of entry). Fourth, the U.S. system of sending biometrics electronically to a central database is much cheaper than procuring chips.

18. (C) As an alternate to chips being embedded in the visa foil, the EC is examining two possibilities. The first, strongly supported by Germany and France, would be an interim solution with a separate plastic card containing the biometric chip being issued to the applicant at the same time the visa foil is placed in the passport. The second option would be to copy the U.S. model and have all the data stored in a centralized system. This, however, would push the biometric visa to 2007 when the Visa Information System (VIS) is operational (more information below). Most states arguing against the interim solution of a separate card do so for financial reasons. The supporters of the plan, besides being eager to move forward with biometrics, point out that the separate card format can be used for longer-term residency cards. (Currently, Member States have the option for long-term residency documents to be either in foil or card format.)

19. (C) If the deadline for incorporating biometrics into visas is pushed to 2007, the EC will still begin issuing Schengen visas in 2005 with scanned photographs on the foils. Although capturing an image from a photograph attached to the visa application is good enough to print images on foils, Kolligs said that once biometrics are fully implemented with the option of running facial recognition checks, live photographs will probably have to be taken at the time of the visa applications.

110. (C) Another technical issue under discussion relates to security standards for collecting the biometric fingerprints of visa applicants. Because a decision to require consular officers to personally collect each scan would lead to serious workflow problems and require applicants to travel far distances in many instances, the EC is considering alternative methods (like certifying travel agencies). Ensuring security without disrupting legitimate travel will be key in this decision. According to Kolligs, she does not see any realistic alternative other than copying the U.S. model and requiring all visa applicants to apply in person for a visa.

111. (SBU) The EU will also reconsider the price of its Schengen visas, given the cost of incorporating new technologies. Under current policies, the uniform price for a Schengen visa is 35 euros. Member States are free to waive fees (for humanitarian or other reasons), but may not charge more.

112. (C) All of the above changes will be discussed at the next visa working group, November 16-17. Decisions will be sent up the chain of command (SCIFA and COREPER) to the JHA Ministers for a final decision in early December. Then, Kolligs will revise the various EC proposals and amend the Common Consular Instruction to reflect the requirement to take fingerprints, etc. She estimates that final versions will be finalized by January 2005.

Visa Information System

113. (SBU) The biometric visa will be the fundamental unit of the EU's Visa Information System (VIS), currently in the last phases of discussion. Once fully operational, the VIS will tie together all 3500 visa issuing posts of the 25

Member States abroad and all the EU's international ports of entry, as well as those of the three associated countries. The system will be the largest in the world, handling approximately 20 million visa applications per year. The EC expects that the central component of the VIS system will be operational by the end of 2006 using alphanumeric data and that the biometric components will be quickly integrated in 2007. While the EC develops the central system, Member States must build their own national visa systems that can support a biometric component. Each of the national systems will connect via an "interface" with the central database managed by the EC.

14. (SBU) Member States will gradually roll out (at their own expense and effort) the equipment to scan fingerprints at their consulates and their international ports of entry. Among those cited by the EC as potential "first wave" participants in the VIS, beginning in 2007, are France, Germany, Italy, Poland, the Czech Republic, Hungary and Slovenia. Visa holders will have their fingerprints verified at ports of entry by scanning one or two of their prints (similar to US VISIT, although without the check against criminal databases).

15. (U) The EC proposal includes the following advantages of an EU-wide visa system:

- boost anti-fraud efforts by improving exchanges of information between Member States regarding information contained in visa applications;
- prevent "visa shopping";
- facilitate communications between consular posts and European ports of entry, as well as between consulates abroad and consular headquarters in European capitals;
- verify the identity of visa holders at external borders, immigration posts or police checkpoints;
- verify the identity of visa over-stayers and assist in their removal if undocumented;
- help determine the state responsible for adjudicating an asylum application (if the asylum seeker had been issued a visa); and,
- contribute toward improving the administration of a common visa policy to improve internal security and combat terrorism.

16. (SBU) Once the VIS is operational, a person who is caught illegally in the Schengen area and claims to have no identification can have his or her biometric fingerprint run against the VIS to establish identity and nationality. If the individual makes an asylum claim, a check against the VIS can also be made to determine responsibility for adjudicating the claim (i.e., the country that issued the visa). The VIS cannot, however, be used for investigative or law enforcement purposes. (Example. A fingerprint found at the scene of a crime could not be run against the VIS to see if by chance there were a match.) Approximately 25 percent of EU visa requests are refused.

17. (SBU) Under EU data retention rules, information in the VIS will be kept five years after the expiration of the visa. In exceptional circumstances, the information can be kept up to ten years. If an alien becomes a citizen, personal data must be removed from the VIS. After the data is removed, it is kept for an additional year in a "locked file" that can only be accessed if fraud is suspected. Given these parameters, the EC estimates that at once fully operational, the VIS will have data on over 70 million applicants in the system. Electronic files would include a digitized photograph, fingerprints and scanned documents to support the visa application.

----- Name Checks at the European Level -----

18. (SBU) The VIS will share a common structural platform with the EU's lookout database, the upgraded Schengen Information System (SIS2), but will retain separate operational controls. Visa applications will be automatically checked against the SIS2 to determine whether the individual is prohibited from entering the Schengen area (the so-called Article 96 list). Under the current system, visa posts must perform manual checks against the SIS. Most countries use compact discs sent through diplomatic pouches for the mandatory name check. Under this system, the lookout information is dated, and there is no certainty that a name check has actually been run. In contrast, the VIS check against the SIS2 will be automatic, instantaneous and an integral part of the visa issuance process.

19. (SBU) According to standard EU procedures, if there is a hit against an individual in the SIS, the visa is usually denied without further questioning. The adjudicating officer has the ability to ask the country that entered the name onto the Article 96 list for additional information. (Language difficulties and time lapses frequently discourage requests for additional information by the interviewing officer.) A consular officer has the option to issue a geographically-limited visa to an applicant placed on the

Article 96 list by another EU Member State. A geographically limited visa, in theory, does not permit free circulation to other Member States (although lack of internal border controls means there is no physical barrier to prevent circulation).

120. (SBU) Although both the VIS and SIS2 will both contain biometrics, the EU is not currently considering biometric checks against any SIS2 files such as law enforcement databases (fugitives from justice, suspected criminals, etc.) or judicial databases (those wanted for extradition or to appear in court as witnesses). At the European level, the SIS2 biometric function will only be used to confirm identity in the case of an alphanumeric hit on the system,s Article 96 list and used for border management purposes.

121. (SBU) The SIS2 is programmed to be operational by March 2007. This is a key date, not only for the VIS, but also for the new EU Member States. Border controls between the old and the new Member States cannot be removed until the new EU countries have access to the SIS2. (The EC must also certify that external borders and other technical standards are up to Schengen requirements before internal borders fall.)

Additional Name Checks at the National Level

122. (SBU) In addition to the EU-wide SIS checks, Member States can -- and often do -- run name checks against their own national lookout systems. These systems frequently contain derogatory information not entered into the SIS, including intelligence and other sensitive information countries are not willing to share with other Member States. Any fingerprints collected as part of the visa application could also be run against a Member State's criminal database.

123. (SBU) Another method to restrict visa issuance apart from the Article 96 list relates to the so-called "VISION" consultation network. VISION lists nationalities (not specific names) which require prior notification to certain interested countries before Schengen visas can be issued by consular officers of other EU Member States. Although the list is classified, VISION lists generally follow colonial patterns. For instance, before any Member State issues a visa to an Algerian citizen, France must be given the name of the applicant. Even though the applicant might not be on the Article 96 list, France can refuse to allow the partner Member State to issue the visa. Because of magnet communities and language ties, citizens of former colonies are thought to be more likely to eventually end up in the territory of the former colonial power. The VISION list can also help to combat both the movement of suspected terrorists.

Tenders and Contracts

124. (SBU) On October 26, the EC signed its first contract for the VIS and SIS2, awarding the 40 million euro project to a multinational team of IT companies led by STERIA-France and HP-Belgium. This project will allow a preliminary version of both systems to go forward with capabilities for alphanumeric data and digitized photographs. Tenders for a much larger contract (up to 400 million euros) will be issued in 2005. The second phase will permit the two systems to incorporate digital fingerprints, as well as scans of documents that support the visa applications.

125. (SBU) Note. Frank Paul plans to travel to the U.S. on his IVP program in early 2005 to consult with policymakers and technical specialists as the EC begins implementing the decisions made regarding biometrics. While there, he also hopes to meet with U.S. companies that supply biometric technologies. The EC has been very happy with the products supplied by U.S. firm Cogent to EURODAC, the EU,s biometric-based system for asylum seekers. End note.

Passports

126. (C) On October 26, JHA Ministers decided to require two biometrics in national passports: a digitized photograph and digital fingerprints. Their decision significantly altered the original EC proposal, which called for just digitized photographs. Among those countries pressing hardest for the double biometric were France, Germany, Greece, Italy, Lithuania, Malta, Poland, Slovenia, and Spain. Those most skeptical were Estonia, Finland, Latvia and Sweden, while those expressing reservations over the cost were Denmark and Portugal. At the JHA meeting, both Finland and Austria placed "scrutiny reservations" on the decision, meaning they wish to examine the issue more closely. (Note. During a meeting on November 4 in Vienna with an Austrian official in charge of biometrics, he told PRMOFF that Austria was

concerned over the price of this endeavor. According to Kolligs, Austria also questions the need for fingerprints in passports. End Note.) The Netherlands also has a reservation until its national parliament can review the decision. Any of these countries could render a negative decision and scuttle the process, although the likelihood of this is very small.

127. (SBU) Another change from the original proposal allows for a longer implementation phase: 18 months (instead of 12) for the digital photographs and 36 months for the digital fingerprints. The 18-month implementation phase would give EU countries until mid-2006 to issue biometric passports (far past the USC's current October 26, 2005 deadline for visa waiver countries). Passports in circulation at the time the deadlines kick in will remain valid. Several smaller EU Member States -- such as Belgium, Austria and Slovenia -- should be able to meet the USC deadline. During a ministerial meeting on June 8, Germany and Denmark publicly stated they planned to begin issuing biometric passports with digitized photographs before the end of 2005 partly because of the U.S. visa waiver legislation. At a CIREFI meeting on October 29, Italy committed itself to the same implementation timeline.

128. (C) The EC is now working to spell out the technical standards for the biometric passports. Important questions related to data protection and data privacy include: 1) what information is stored; 2) how can it be used; and, 3) who has access to it. According to Kolligs, the EU will probably determine two levels when restricting access to the chip. For the biographic data and photograph, the EU is considering "basic access" control, requiring that the passport's machine-readable zone be swiped before the chip can be read. This procedure would reduce concerns of privacy advocates who fear that a chip which continually emits data could be read by a curious bystander using basic equipment. For the sensitive fingerprint data, which will not be displayed on the passport's photo page, the EU is considering "extended access" or "key code" controls. Once the passport is swiped, the reader will recognize the user's authority to view the fingerprint and the user will be asked to enter a key code to view the fingerprint.

129. (C) It will be up to the Member States to decide on a broader range of technical issues related to passports, including how many fingerprints to scan. The EC envisions requiring two index fingers (with a descending priority of other fingers if those two are missing). However, Member States could require their citizens to have all ten fingerprints scanned. They will also be responsible for determining where and how the prints are taken and to which other national authorities (including the U.S.) they might grant "extended access" to view the fingerprints inscribed on the chips. It will also be up to Member States to decide whether to run the fingerprints of applicants against lookout databases before issuing the passport. According to Kolligs, Germany is the driving force behind fingerprints in passports; she said that other countries such as Spain and Portugal, which have routinely fingerprinted their nationals, are also supportive.

Towards an EU Consular Service?

130. (U) Given the developments related to passports and visas, some Europeans question whether it remains practical for each Member State to maintain a fully operating consular section in major cities. Already, EU citizens abroad can go into other EU Member State consulates for assistance if their own government is not represented locally. Consular officers can issue temporary EU travel documents to citizens of other EU countries for emergency onward travel.

131. (SBU) With the development of the VIS, further cooperation or consolidation may occur. Two scenarios have been proposed to streamline visa issuance procedures. The basic version envisions a visa processing center jointly shared by the Member States represented in that city. Employees would do all the pre-processing (i.e., collection of the fingerprints and fees, name checks, etc.) and then send the applications to the appropriate consulate for adjudication. An enhanced variation provides for the visa officers of the various countries being co-located in these centers and adjudicating there as well. This would undoubtedly result in closer cooperation and further reduce visa shopping. However, it might restrict access to national lookout databases.

132. (U) In its proposal for JHA goals over the next five years (known as "Tampere II" or "The Hague Program"), the Dutch Presidency states the need for "further harmonization of national legislation and handling practices at local consular missions. Common visa offices should be established in the long term, taking into account discussions on the

establishment of a European External Action Service." The Dutch Presidency also welcomed some initiatives by individual Member States, on a voluntary basis, in pooling their staffs and resources to issue visas.

EU Time Line: Next Steps

133. (SBU) Important dates in the EU decision-making and implementation process are as follows:

-- February 18, 2004: The EC put forth its proposal for biometrics in EU passports. Commissioner Vitorino briefed the JHA Council and said the proposal was not intended to harmonize passports: "We are just dealing with basic security features." Though the introduction of fingerprints should be considered optional for the time being, it could become mandatory in the future," he said.

-- June 8, 2004: The JHA Council agreed to include one biometric in EU passports (digitized photographs).

-- October 26, 2004: The JHA Council agreed to include a mandatory second biometric in EU passports (digitized fingerprints). Switzerland signed an agreement with the EU to accede to the Schengen agreement and was allowed to begin participating in policy discussions on visas and passports.

-- by December 2004: The JHA Council should make its decision of October 26 final. Agreement on the technical standards for biometric passports should also be finalized.

-- by January 2005: Biometrics proposals and the Common Consular Instruction are re-written and approved; the clock will begin ticking for the 18-month and 36-month implementation deadlines for the two biometrics to be included in passports.

-- February 2005: IVP nominee Frank Paul should begin a three-week visit in the U.S. to coordinate on biometrics with governmental and industry representatives.

-- May 1, 2005: The EU Border Management Agency should become operational and help the Member States coordinate on risk analyses and training, joint border control operations, and purchasing of equipment. The agency will be located in either Poland, Hungary, Estonia, Malta or Slovenia.

-- December 2005: The Schengen visa foils should include digitized photographs. Most EU legal permanent residency cards should also contain digitized photographs.

-- July 2006: All EU Member States should be issuing biometric passports compliant with the ICAO standard.

-- October 2006: The central component of the VIS should be operational with one biometric identifier (digitized photographs) and alphanumeric data.

-- March 2007: The upgraded SIS2 should come online. Member States will begin the process of linking their national visa systems to the combined VIS/SIS2. The VIS should support the biometric fingerprint function with search capabilities and scanned supporting documents should be added to the VIS.

-- December 2007: All countries should be issuing visas, residency cards and passports bearing two biometric identifiers. Internal borders between old and new EU Member States should be abolished. Preliminary decisions about expanded use of the SIS2 and biometric-based searches in the system should be taken.

134. (SBU) Because of the serious technological challenges and the political/public debate that frequently surrounds the issue of biometrics, some of these projected dates may slide.

The European Parliament (EP), which has questioned the need for biometrics (reftel b) is expected to gain a stronger voice on these matters in the coming years. Like some Member States, the EP questions the costs of biometrics, both in financial terms and in threats to civil liberties. Furthermore, many of the costs associated with biometrics will be born by the Member States. Although the EC sets policy, it has very few teeth available to force implementation. This could also adversely affect speedy implementation of these measures.

Comment

134. (SBU) Given its extensive effort with regard to biometrics, the EU is now on a parallel track with the US in incorporating biometrics into travel documents. They have demonstrated that they are equally interested in combating terrorism and illegal immigration through the use of biometrics, but the practical realities are extremely complex

since it involves 28 different countries, each with its own policy reservations and resource limitations. Despite all the progress the EU has made (even exceeding US standards by moving to include two biometric indicators), they are unlikely to meet our 10/26/2005 biometrics deadline, and are sure to press for its extension or for individual waivers to countries who are working hard but unable to meet the deadline. Since standard-setting is an EU forte, it is also possible we may see a future EU effort in multilateral fora to incorporate two biometrics into all travel documents to further bolster border controls.

135. (SBU) We should attempt to build on the progress the EU has made to press harder to reach an agreement with the EU on sharing lookout information on suspected terrorists and those ineligible to receive visas to enter the EU -- in accordance with Homeland Security Presidential Directive 6. During consultations with CA/VO/BIP on October 27 in Brussels, the EC stated that once the new systems are in place, information sharing will be technically feasible. To bring the EU to yes, however, we will have to come to some understanding with them on the data privacy concerns which have formed a basic stumbling block -- and to which the EU must also respond in its efforts to strengthening its border control mechanisms.

SCHNABEL